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Docket No. 4122-4003US1

Express Mail No. EL762530603US



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PATENT TRADEMARK OFFICE

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U.S. PTO
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09/849879
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

UTILITY APPLICATION AND FEE TRANSMITTAL §(1.53(b))

Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the patent application of

Inventor(s) names and addresses:

- (1) Shervin Pishervar
c/o WebOS, Inc., 10500 Little Patuxent Pkwy, Suite 500, Columbia, MD 21044
- (2) Lewis Bloch
31 Bishops Lane, Catonsville, MD 21228-4602
- (3) Drew Morris
23 Timberline Drive, Alpine, NJ 07620
- (4) Daniel F. Savarese
7162 Lasting Light Way, Columbia, MD 21045
- (5) Kevin Andrew Walsh
2517 Clark Ave., Raleigh, NC 27607

Additional inventors are listed on a separate sheet

For: Apparatus, Method And System For Improving Application Performance Across A Communication Network

Enclosed Are:

39 page(s) of specification
1 page(s) of Abstract
6 page(s) of claims
16 sheets of Formal Informal drawings

_____ page(s) of Declaration and Power of Attorney

- Unsigned
- Newly Executed
- Copy from prior application
- Deletion of inventors including Signed Statement under 37 C.F.R. §1.63(d)(2)

REQUEST AND CERTIFICATION UNDER 35 U.S.C. §122(b)(2)(B)(i) (form PTO/SB/35)

As indicated on the attached Request and Certification, Applicant(s) certify that the invention disclosed in the attached application HAS NOT and WILL NOT be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. Applicant(s) therefore request(s) that the attached application NOT be published under 35 U.S.C. §122(b).

- Incorporation by Reference:
 - The entire disclosure of the prior application, from which a copy of the combined Declaration and Power of Attorney is supplied herein, is considered as being part of the disclosure of the accompanying application and is incorporated herein by reference.
- Deletion of Inventors (37 C.F.R. §1.63(d) and §1.33(b))

Signed statement attached deleting inventor(s) named in the prior application serial no. _____, filed _____.
- Microfiche Computer Program (Appendix)
 - page(s) of Sequence Listing
 - computer readable disk containing Sequence Listing
 - Statement under 37 C.F.R. §1.821(f) that computer and paper copies of the Sequence Listing are the same
- Assignment Papers (assignment cover sheet and assignment documents)
 - A check in the amount of \$40.00 for recording the Assignment
 - Charge the Assignment Recordation Fee to Deposit Account No. 13-4500, Order No. _____.
 - Assignment Papers filed in the parent application Serial No. _____.
- Certification of chain of title pursuant to 37 C.F.R. §3.73(b)
- Priority is claimed under 35 U.S.C. §119 for:

Application No(s). _____, filed _____, in _____ (country).

 - Certified Copy of Priority Document(s) [_____]
 - filed herewith
 - filed in application Serial No. _____, filed _____.

English translation document(s) [____]
 filed herewith
 filed in application Serial No. ____, filed ____.

Priority is claimed under 35 U.S.C. §119(e) for:
Provisional Application No. 60/278,876, filed 03/26/01.

Information Disclosure Statement
 Copy of [____] cited references
 PTO Form-1449
 References cited in parent application Serial No. ____, filed ____.

Related Case Statement under 37 C.F.R. §1.98(a)(2)(iii)
 A copy of related pending U.S. Application(s) Serial No(s): ____, filed ____,
respectively, is attached hereto.
 A copy of related pending U.S. Application(s) entitled, ____, filed ____ to
inventor(s) ____, respectively, is attached hereto.
 A copy of each related application(s) was submitted in parent application serial no.
____, filed ____.

Preliminary Amendment

Return receipt postcard (MPEP 503)

This is a continuation divisional continuation-in-part of prior application
serial no. ____, filed ____, to which priority under 35 U.S.C. §120 is claimed.
 Cancel in this application original claims ____ of the parent application before
calculating the filing fee. (At least one original independent claim must be retained
for filing purposes.)
 A Preliminary Amendment is enclosed. (Claims added by this Amendment have
been properly numbered consecutively beginning with the number following the
highest numbered original claim in the prior application).

The status of the parent application is as follows:
 A Petition for Extension of Time and a Fee therefor has been or is being filed in the
parent application to extend the term for action in the parent application until ____.
 A copy of the Petition for Extension of Time in the co-pending parent application is
attached.
 No Petition for Extension of Time and Fee therefor are necessary in the co-pending
parent application.

Please abandon the parent application at a time while the parent application is pending or
at a time when the petition for extension of time in that application is granted and while
this application is pending has been granted a filing date, so as to make this application
co-pending.

Transfer the drawing(s) from the parent application to this application

Amend the specification by inserting before the first line the sentence:
This is continuation divisional continuation-in-part of co-pending application
Serial No. _____, filed _____.

I. CALCULATION OF APPLICATION FEE				
	Number Filed	Number Extra	Rate	Basic Fee
Total Claims	22- 20 =	2x	\$18.00/ \$9.00	\$ 18.00
Independent Claims	3- 3 =	0x	\$80.00/ \$40.00	\$ 0.00
<input type="checkbox"/> Multiple Dependent Claims	If marked, add fee of \$270.00 (\$135.00)			\$
				TOTAL: \$ 373.00

Small entity status is or has been claimed. Reduced fees under 37 C.F.R. §1.9 (f) paid herewith
\$373.00.

A check in the amount of \$_____ in payment of the application filing fees is attached.

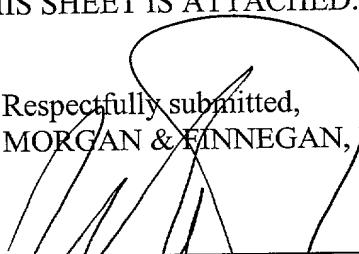
Charge fee to Deposit Account No. 13-4500, Order No. 4122-4003US1. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

The Commissioner is hereby authorized to charge any additional fees which may be required for filing this application pursuant to 37 CFR §1.16, **including all extension of time fees pursuant to 37 C.F.R. § 1.17 for maintaining copendency** with the parent application, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4122-4003US1. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Dated: May 4, 2001

By:

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.


Walter G. Hanshuk
Registration No. 35179

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Shervin Pishervar et al Group Art Unit: TBA
Examiner: TBA
Serial No. : TBA
Filed : May 4, 2001
For : Apparatus, Method and System For Improving Application performance
Across A Communication Network

EXPRESS MAIL CERTIFICATE

Express Mail Label No. EL762530603US

Date of Deposit May 4, 2001

I hereby certify that the following attached paper(s) and/or fee Utility Application And Fee Transmittal
(enclosing 39 pages of specification, 1 page of Abstract and 6 pages of claims; and 16 sheets of formal drawings,
Figs 1-16); and Return Postcard is being deposited with the United States Postal Service "Express Mail Post Office
to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to the Commissioner for
Patents, Washington, D.C. 20231.

Francisco Garcia
(Typed or printed name of person
mailing paper(s) and/or fee)

(Signature of person mailing
paper(s) and/or fee)

CORRESPONDENCE ADDRESS:
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FORM: EXP-MAIL.NY
Rev. 05/27/98